SCOTTSDALE

CITY COUNCIL MEETING



AGENDA

COUNCIL

Mary Manross, Mayor Wayne Ecton Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn David Ortega Tom Silverman

Tuesday, January 7, 2003

MARKED AGENDA

5:00 P.M. CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – 5:10 P.M.

Roll Call - ALL PRESENT

Moment of Silence for JOE FOSS
Pledge of Allegiance – COUNCILWOMAN LUKAS

Invocation - NONE

Boards, Commissions, and Committees

Building Advisory Board of Appeals (1) – **JOEL RENCSOK** Library Board (2) – **DAVID BERRY AND NANCY WALKER** Planning Commission (1) – **DAVID GULINO** District Advisory Board (11-14) – **JEFFREY ABTS, SUSAN**

District Advisory Board (11-14) – JEFFREY ABTS, SUSAN BITTERSMITH, JAMES DEROUIN, SUZANNE KLAPP, BARBARA KLEIN, GEORGE KNOWLTON, WENDY LYONS, WILLIAM MCCLUSKEY, MICHAEL PICKETT, ROBERTA PILCHER, WENDY RIDDELL, DONALD SCOTT, LIDA STEWART, AND JAMES WELLINGTON

Public Comment – LEON SPIRO – QUESTIONED THE ISSUES INVOLVED IN THE CITY'S ABANDONMENT OF GLO EASEMENT; DON LOPER – SPOKE IN SUPPORT OF THE AQUATIC CENTER AND PARK PROPOSED FOR MCDOWELL MOUNTAIN RANCH; BILL BERGDOLL – EXPRESSED DISSATISFACTION THAT THE ISSUE OF THE AQUATIC CENTER WAS PULLED FROM LAST EVENING'S AGENDA; JUDE NAU – REQUESTED THAT REDEVELOPMENT AREA DESIGNATION BE REMOVED FROM SUNDAIL RESORT'S PROPERTY; NONA OLIVER – QUESTIONED WHY THE AQUATIC CENTER AT MCDOWELL MOUNTAIN RANCH ISN'T MOVING FORWARD Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – OK-7/0 W/CHANGES TO DEC. 9, 2002 SPECIAL MEETINGS

REGULAR MEETINGS December 9, 2002 December 10, 2002

EXECUTIVE SESSIONS

CONSENT AGENDA CONTINUED FROM MONDAY

1. Contract for Legal Services in connection with <u>City of Scottsdale v. Skyridge Estates</u>, <u>L.L.C., et al.</u>, Superior Court Case No. CV99-13646. – OK – 7/0

Request: Adopt Resolution No. 6210 authorizing the Mayor to execute Contract No. 2000-083A-COS, an outside counsel contract renewal in a maximum amount of Thirty Thousand Dollars (\$30,000.00) with GRAHAM & ASSOCIATES, LTD. for legal services in connection with *City of Scottsdale v. Skyridge Estates, L.L.C., et al.*, Superior Case No. CV99-13646 brought to acquire real property necessary for the McDowell Sonoran Preserve. The contract will enable the City to continue receiving expert legal services with respect to this matter.

Related Policies, References: Resolution No. 6210.

Staff Contact(s): Patrick McGreal, Assistant City Attorney, pmcgreal@ci.scottsdale.az.us, (480) 312-2405

2. Renew contract for legal services in connection with City of Scottsdale adv. Allied Construction, Inc. - OK- 7/0

Request: Adopt Resolution No. 6208 authorizing the City Attorney to renew Contract No. 2000-160A-COS and authorize renewal of Contract No. 2000-160A-COS in a maximum amount of Fifty Thousand Dollars (\$50,000) with Holden Brodman PLC for legal services in connection with the dispute among the City of Scottsdale, Allied Construction, Inc., and the City's engineer, Cella Barr Associates, relating to construction at McCormick Ranch Railroad Park.

Staff Contact(s): Steven Bennett, Deputy City Attorney 480-312-2405, sbennet@scottsdaleaz.gov; David A. Pennartz, City Attorney, 480-312-2405; dpennartz@scottsdaleaz.gov;

3. Contract for Legal Services in connection with <u>City of Scottsdale v. Glenalden Homes</u>, <u>L.L.C., et al.</u>, Superior Court Case No. CV 99-13348. – OK – 7/0

Request: Adopt Resolution No. 6211 authorizing the Mayor to execute Contract No. 2001-038A-COS, an outside counsel contract renewal in a maximum amount of Two Hundred Thousand Dollars (\$200,000.00) with the law firm of GRAHAM & ASSOCIATES, LTD. for legal services regarding representation of the City of Scottsdale in the litigation entitled *City of Scottsdale v. Glenalden Homes*, *L.L.C.*, *et al.*, Superior Court Case No. CV 99-13348, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

Related Policies, References: Resolution No. 6211.

Staff Contact(s): Patrick McGreal, Assistant City Attorney, pmcgreal@ci.scottsdale.az.us (480) 312-2405.

4. Exchange of surplus property for property acquired for the Marshall Way Realignment and relocation benefits. – OK – 7/0

Request: Adopt Resolution No. 6209 authorizing Conveyance and Settlement Agreement No. 2002-150-COS between the City of Scottsdale and Thomas Gale and Anne Gale, dba Wiseman and Gale Gallery ("Gales").

Related Policies, References: On September 15, 1997 the City Council Adopted Resolution No. 4871 authorizing the acquisition of real property under the threat of eminent domain for the widening of Indian School Road and the realignment of Marshall Way.

Staff Contact(s): Patrick McGreal, Assistant City Attorney, 480-312-2659, pmcgreal@ci.scottsdale.az.us; Ron King, Asset Management Coordinator, 480-312-7042, rking@ci.scottsdale.az.us.

5. Engineering Services Contract for design of Improvements to Camelback Road from 64th to 68th Street. – OK - C

Request: AUTHORIZE Engineering Services Contract No. 2003-001-COS with Tri-Core Engineering in the amount of \$ 182,179.00 for the design of Camelback Road Improvements from 64th to 68th Streets.

Staff Contact(s): Dan Walsh, Project Manager, (480) 312-5248, dwalsh@ci.scottsdale.az.us.

6. Construction Contract Award for Paiute Neighborhood Center Buildings 7 and 9 Remodel. – OK

Request: Authorize Construction Contract Award No. 03PB047 for the renovation of Paiute Neighborhood Center Buildings 7 and 9 to Regency Development, Inc., the lowest responsive, responsible bidder at their lump sum bid of \$ 508,958.00.

Related Policies, References: Development Review Board, staff approval (No.57-SD-1983), November 29, 2001; City Council award of architectural design contract (#2002-006-COS), January 7, 2002. **Staff Contact(s):** Doreen Song P.E., Project Manager, (480) 312-2367, <a href="doses:desapproximates/desap

7. Construction Contract Award for Scottsdale Road, Wall/Utility Phase from Hummingbird Lane to Berniel Drive. – OK – 7/0

Request: Authorize Construction Contract Award No. 03PB041 to Achen-Gardner Engineering, LLC, the lowest responsive bidder, at their total unit price bid of \$2,178,991.80.

This contract will relocate utilities to the west side of Scottsdale Road in preparation for the major widening of Scottsdale Road between Indian Bend Road and Gold Dust Blvd. A screen wall on the west side of the road will also be constructed between the Indian Bend wash and Doubletree Ranch Road.

Related Policies, References:

- Intergovernmental Agreement (IGA) No. 96-0001 between City of Scottsdale (city) and Town of Paradise Valley (town) (Approved 2/5/96 by Scottsdale City Council).
- Amendment to IGA No 96-001A which established responsibilities for under grounding of the existing 69 kV electrical power line between the city and the town. (Approved 12/9/02 by Scottsdale City Council and approved 12/19/02 by Paradise Valley Town Council)
- De-annexation Ordinance (Approved 11/7/02 by Paradise Valley Town Council and approved 12/9/02 by Scottsdale City Council).

Staff Contact(s): Alex McLaren, Construction and Design Director, (480) 312-7099, amclaren@ci.scottsdale.az.us

- ***8. WITHDRAWN -- Authorize the Mayor to acquire real property at 7234 and 7240 East Second Street. WITHDRAWN
- 9. DUI arrests and related blood draw services OK C

Request: Adopt Resolution No. 6205 approving Contract No. 2002-148-COS; and Approve Contract No. 2002-148-COS (Sole Source # 03SS031) between the City and Scottsdale Health Care For Blood Draw Services. Based on current and projected levels of service, contract fees are estimated to be \$49,000 per year.

Staff Contact(s): Lt. Michael Rosenberger, District 1 PD, <u>mrosenberger@scottsdaleaz.gov</u> (480) 312-7016; Sgt. Dave Larson, District 1 PD, <u>dlarson@scottsdaleaz.gov</u>

(480) 312-2418; Warren, Monroe, Purchasing Director, <u>mwarren@scottsdaleaz.gov</u>,

(480) 312-5705

10. Amend the City's Procurement Code to allow the Purchasing Director to use the bid solicitations of non-Arizona government entities. – OK- C

Request: Adopt Ordinance No. 3481, amending Code Section 2-191, Procurements from Solicitation by Other Governmental Entities, to allow the Purchasing Division to use out-of-state governmental entity contracts.

Staff Contact(s): Monroe C. Warren, Purchasing Director, <u>mwarren@scottsdaleaz.gov</u>, (480) 312-5705.

11. 2003/04 Mayor and City Council Mission and Goals - OK - C

Request: Consider adopting the 2003/04 Mayor and City Council Mission and Goals, as updated at the October 26, 2002 and November 12, 2002 City Council Workshop. The Mission and Goals were originally created by Council in Fall 2000. These statements are meant to be fluid and flexible, i.e. the Council reviews and modifies them each year to ensure they reflect changing goals and priorities. Upon approval, the Mission and Goals will be incorporated within the upcoming budget planning process, printed in City publications, and will become a tool for the City Manager to ensure further alignment of City-related programming with the Council's goals and priorities for Scottsdale.

Related Policies, References: 2002/03 Mission and Goals and revised 2003/04 Mission and Goals.

Staff contact: Natalie Lewis, 480-312-7806, <u>nlewis@scottsdaleAZ.gov</u>

CONSENT AGENDA

1. Devils Martini Bar Liquor License – OK - 6/1 (W.E.)

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor

Licenses and Control for a series 6 (bar) liquor license.

Location: 4175 N Goldwater Blvd

Reference: 68-LL-2002

Staff Contact(s): Jeff Fisher, Development Services Director, 480-312-7619.

jefisher@www.ScottsdaleAZ.gov

2. Next Restaurant Liquor License - OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor

Licenses and Control for a series 12 (restaurant) State liquor license.

Location: 7111 E 5th Ave **Reference:** 96-LL-2002

Staff Contact(s): Jeff Fisher, Development Services Director, 480-312-7619,

jefisher@www.ScottsdaleAZ.gov

3. Caspian Restaurant Liquor License - OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor

Licenses and Control for a series 7 (beer and wine) State liquor license.

Location: 7000 E Shea Blvd **Reference:** 99-LL-2002

Staff Contact(s): Jeff Fisher, Development Services Director, 480-312-7619,

jefisher@www.ScottsdaleAZ.gov

4. DC Ranch - Amended Development Agreement - OK AS AMENDED - C Request:

- 1. Approve an amendment to the DC Ranch Development Agreement No. 890074A.
- 2. Adopt Resolution No. 6201 authorizing the Mayor to amend Development Agreement No. 890074A

Location: DC Ranch

Reference: 54-ZN-1989#7

Staff Contact(s): Kurt Jones, Project Coordination Manager, 480-312-2524,

kjones@www.ScottsdaleAZ.gov

5. Hancock Homes/Madrid Development Proposal – OK - C

Request: To develop an eighty-five (85) lot single-family subdivision on a parcel of approximately 57

acres.

Location: North and south of Frank Lloyd Wright at Thunderbird Road.

Reference: 5-PP-2002

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210,

tcurtis@www.ScottsdaleAZ.gov

6. Sevano Village Parcel 3 Development Proposal – OK - 7/0

Request: To develop a sixty four (64) lot single-family subdivision on a parcel of approximately 39 acres.

Location: East of the southeast corner of Dove Valley Road and Scottsdale Road (Northeast of the Scottsdale Summit Retail Center).

Reference: 6-PP-2002

Staff Contact(s): Jayna Shewak, Project Coordination Manager, 480-312-7059,

jshewak@www.ScottsdaleAZ.gov

7. McDowell Mountain Business Center Rezoning and Conditional Use Permit Request to approve: - OK - 7/0

- 1. A rezone from Single Family Residential, Planned Commercial District (R1-35 PCD) to Industrial Park, Planned Commercial District (I-1 PCD) on a 14+/- acre parcel.
- 2. A conditional use permit for automotive and boat assembly and reassembly, excluding general repairs and maintenance, on 1+/- acre.
- 3. Adoption of Ordinance No. 3483 affirming the above rezoning.

Location: Southeast corner of 90th Street & Bahia Drive and southwest corner of 91st Street & Bahia Drive

Reference: 18-ZN-2002 & 20-UP-2002

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@www.ScottsdaleAZ.gov

8. Fox Sport Grill Conditional Use Permit – OK w/CHANGE – 7/0

Request: Approve a conditional use permit for live entertainment in a 19,600+/- square foot building with Planned Regional Center (PRC) zoning.

Location: 16203 N Scottsdale Rd (Promenade Building One)

Reference: 21-UP-2002

Staff Contact(s): Bill Verschuren, Senior Planner, 480-312-7734.

bverschuren@www.ScottsdaleAZ.gov

Danny's Carwash – Raintree Conditional Use Permit – OK – C 9. **Request to approve:**

- 1. A conditional use permit for a new automated car wash on a 2.6 +/- acre parcel with Central Business District (C-2).
- 2. A conditional use permit for a new service station on a 2.6 +/- acre parcel with Central Business District (C-2).

Location: 8680 E Raintree Dr

Reference: 22-UP-2002 & 23-UP-2002

Staff Contact(s): Bill Verschuren, Senior Planner, 480-312-7734,

bverschuren@www.ScottsdaleAZ.gov.

10. Elite Fitness Conditional Use Permit – OK - C

Request: Approve a conditional use permit for a health studio on a .83 +/- acre parcel with Central

Business District (C-2) zoning. **Location:** 7120 E Indian School Rd

Reference: 24-UP-2002

Staff Contact(s): Suzanne Gunderman, Senior Planner, 480-312-7087,

sgunderman@www.ScottsdaleAZ.gov.

11. Scottsdale Airport Pavement Preservation Capital Project to be paid for (90%) by Arizona Department of Transportation (ADOT). - OK - 7/0

Request: Consider adoption of Resolution No. 6188 to authorize Intergovernmental Agreement (IGA) No. 2002-138-COS between ADOT and the City of Scottsdale for the purpose of conducting pavement preservation work at Scottsdale Airport proposed for fiscal year 2003/04. This work is projected to cost \$410,300.

Staff Contact(s): Scott T. Gray, Aviation Director, (480) 312-7735, sgray@ci.scottsdale.az.us

12. Increase fees for users of the US Customs Service at Scottsdale Airport – OK – 7/0

Request: Consider adoption of Resolution No. 6222 to authorize revision of the Airport/Airpark Rates and Fees Schedule to increase the US Customs User Fees.

Related Policies, References: Airport/Airpark Rates and Fees Schedule, Scottsdale Revised Code, Chapter 5; Contract 1999-020-COS.

Staff Contact(s): Scott T. Gray, Aviation Director, (480) 312-7735, sgray@ci.scottsdale.az.us

13. Contract for Legal Services in connection with <u>City of Scottsdale v. Ancala Global Company, L.C., et al.</u>, Superior Court Case No. CV 99-16269. – OK – 7/0

Request: Adopt Resolution No. 6223 authorizing the Mayor to execute Contract No. 2000-081A-COS, an outside counsel contract renewal in a maximum amount of Sixty Thousand Dollars (\$60,000.00) with the law firm of GRAHAM & ASSOCIATES, LTD. for legal services regarding representation of the City of Scottsdale in the litigation entitled *City of Scottsdale v. Ancala Global Company, L.C., et al.*, Superior Court Case No. CV 99-16269, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

Related Policies, References: Resolution No. 6223.

Staff Contact(s): Patrick McGreal, Assistant City Attorney, pmcgreal@ci.scottsdale.az.us, (480) 312-2405.

Regular Agenda

REGULAR ITEM CONTINUED FROM MONDAY AGENDA

12. WITHDRAWN ****McDowell Mountain Ranch Park & Aquatic Center - WITHDRAWN

Request: Approve a revised Municipal Use Master Site Plan for 40+/- acres.

Location: Southeast corner of Thompson Peak Parkway and McDowell Mountain Ranch Road

Reference: 20-UP-1994#2

Staff Contact(s): Kira Wauwie AICP, Project Coordination Manager, 480-312-7061,

kwauwie@www.ScottsdaleAZ.gov

REGULAR ITEMS FROM TUESDAY AGENDA

14. Consider Adopting Ordinance to Form Municipal Fire Department or Call Special Election on May 20, 2003 for a Public Vote on Forming a Municipal Fire Department. (At the request of Councilman Littlefield.) – MOTION TO APPROVE OPTION B-1 – OK – 6/1 (N.O.)

Request:

Option A. ADOPT ORDINANCE WITHOUT CALLING A SPECIAL ELECTION.

Consider Adoption of Ordinance No. 3489, amending Chapter 36 of the Scottsdale Revised Code by adding sections 36-1, 36-2 and 36-3, relating to formation of a municipal fire department.

Option B. CONSIDER CALLING SPECIAL ELECTION, FOR MAY 20, 2003.

B-1: <u>FOR INITIATIVES IT-2002-04 AND IT-2002-05</u>, <u>IF THE MEASURES</u> QUALIFY FOR THE BALLOT WITH ENOUGH VALID SIGNATURES;

Consider Adoption of Resolution No. 6230 calling a special election on Initiatives IT-2002-04 and IT-2002-05 for May 20, 2003, and approve a budget transfer from the General Fund contingency account (No. 100-99501-52890) to the City Clerk's Office elections expense account (No. 100-01035-52190) in the amount of \$150,000.00 for the estimated cost of the special election.

OR

B-2: FOR REFERRAL BY THE CITY COUNCIL OF BALLOT MEASURES TO THE VOTERS FOR A CHARTER AMENDMENT AND CITY CODE AMENDMENTS FOR FORMATION OF A MUNICIPAL FIRE DEPARTMENT.

Consider Adopting Ordinance No. 3490 submitting to the qualified electors of the City a charter amendment, adding Sec. 6 to Art. 4 of the Charter, requiring the creation of a municipal fire department, and

Adopt, subject to voter approval, Ordinance No. 3491, amending Chapter 36 of the Scottsdale Revised Code by adding Sections 36-1, 36-2 and 36-3, relating to formation of a municipal fire department, and

Adopt Resolution No. 6231 calling a special election on the ballot measures for May 20, 2003 and referring Ordinance No. 3490 (charter amendment) and Ordinance No. 3491 (city code amendments) to the voters for adoption or rejection, and

Approve a budget transfer from the General Fund contingency account (No. 100-99501-52890) to the City Clerk's Office elections expense account (No. 100-01035-52190) in the amount of \$150,000.00 for the estimated cost of the special election.

Staff Contact(s): Sonia Robertson, City Clerk, 312-2412, srobertson@scottsdaleaz.gov; David A. Pennartz, City Attorney, 312-2405, dpennartz@scottsdaleaz.gov.

Public Comment - NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE

Mayor and Council Items – David Ortega – expressed concerned regarding the delay of the McDowell Mountain Ranch Aquatic Center discussion. He felt the issue as it was scheduled on last evening's agenda should be agendized as soon as possible so public discussion can be held before any other locations be considered. Ms. Dolan noted that the item was withdrawn due to requests for additional traffic information from various Council members before the issue is discussed.

COUNCILMAN ECTON REQUESTED CLARIFICATION IF AN INDIVIDUAL COUNCIL MEMBER HAS AUTHORITY TO PULL ANY AGENDIZED ITEM OR IF ANOTHER PROCESS IS FOLLOWED. ATTORNEY PENNARTZ EXPLAINED THAT THE CITY CODE PROVISION REFERS TO INDIVIDUAL COUNCIL MEMBERS SPONSORING AN ITEM. IF THE ITEM ISN'T REQUIRED TO HAVE LEGAL NOTICE PUBLISHED, THE CITY MANAGER BRINGS THE ITEM FORWARD TO COUNCIL AS THE ITEM IS READY. IF INFORMATION IS FORTHCOMING TO INDICATE THAT THE ITEM IS NOT READY FOR DISCUSSION, THERE IS SOME ABILITY TO DELAY THE ITEM. IT IS NOT STRICTLY A CODE PROVISION TO ALLOW A PARTICULAR ITEM TO BE CONTINUED UNLESS A MOTION IS MADE DURING A MEETING.

Adjournment – 9:10 P.M.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.